



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/511,091

10/14/2004

Ryutaro Hashi

L9289.04161

6147

24257 7590 12/09/2008

Dickinson Wright PLLC

James E. Ledbetter, Esq.

International Square

1875 Eye Street, NW., Suite 1200

WASHINGTON, DC 20006

EXAMINER

RIYAMI, ABDULLA A

ART UNIT

PAPER NUMBER

2416

MAIL DATE

DELIVERY MODE

12/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/511,091	Applicant(s) HASHI ET AL.	
	Examiner ABDULLAH RIYAMI	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to an amendment/response filed on 09/19/2008.
2. Claims 1-7 have been canceled.
3. New claims 8-14 have been added.
4. Claims 8-14 remain pending in the application.

Response to Arguments

5. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 8 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Cheshire (US 2005/0125545 A1).

As per claim 8, Cheshire discloses a communication apparatus that transmits a plurality of items of information data each containing a predetermined amount of information, to one receiving side communication apparatus, the communication

Art Unit: 2416

apparatus comprising:

a transmitting section (see figure 2, PC 200 and figure 7, block 440) that, after having received a response to a link establishment request (see paragraph 41, lines 5-15, imposter responses are sent as replies to prevent timeout, see also page 7, column 1, lines 44-45, imposter responses) from the one receiving side communication apparatus (see figure 3, access device 210 and figure 7, block 470), transmits information data (see paragraph 31, line 3, data in the request is considered information) matching the link establishment request (see paragraph 31, lines 1-15, PC communicates requests from application programs 202 via internet software 204); and

a requesting section (see figure 3, internet software 204) that transmits a link establishment request (see paragraph 31, lines 1-15, PC communicates requests from application programs 202 via internet software 204, see page 7, column 2, line 19, a second request and receiving a response to the second request) to the one receiving side communication apparatus (see figure 3, access device 210 and figure 7, block 470) every time information data is transmitted (see figure 3, internet software 204) that transmits a link establishment request (see paragraph 31, lines 1-15, PC communicates requests from application programs 202 via internet software 204 in response to the multiple aliases returned to Internet software),

and, transmits a link establishment request for transmission of next information data before termination of a link for transmitting current information data (see paragraph 36, preventing a timeout from reaching a network user when connecting to a network, see paragraph 43, lines 1-10, the cycle of creating new, imposter names in response to

requests prevents the timeout of a link until a connection is made to the service provider, also see page 7, column 2, line1, if the link remains down, continuing to establish the link).

As per claim 14, Cheshire discloses communication method for transmitting a plurality of items of information data each containing a predetermined amount of information, from a transmitting side communication apparatus to one receiving side communication apparatus, the communication method comprising the steps of:

in the transmitting side communication apparatus (see figure 2, PC 200 and figure 7, block 440), transmitting a first link establishment request for transmission of current information data (see paragraph 31, lines 1-15, PC communicates requests from application programs 202 via internet software 204 in response to the multiple aliases returned to Internet software), to the one receiving side communication apparatus (see figure 3, access device 210 and figure 7, block 470);

in the transmitting side communication apparatus, after having received a response to the first link establishment request (see paragraph 41, lines 5-15, imposter responses are sent as replies to prevent timeout, see also page 7, column 1, lines 44-45, imposter responses) from the one receiving side communication apparatus (see figure 3, access device 210 and figure 7, block 470), transmitting the current information data (see paragraph 31, lines 1-15, PC communicates requests from application programs 202 via internet software 204 in response to the multiple aliases returned to Internet software) to the one receiving side communication apparatus (see figure 3, access device 210 and figure 7, block 470);

Art Unit: 2416

and transmitting a second link establishment request for transmission of next information data before termination of a link for transmitting the current information data (see paragraph 36, preventing a timeout from reaching a network user when connecting to a network, see paragraph 43, lines 1-10, the cycle of creating new, imposter names in response to requests prevents the timeout of a link until a connection is made to the service provider, also see page 7, column 2, line1, if the link remains down, continuing to establish the link).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheshire (US 2005/0125545 A1) in view of Bakshi (US 6457054 B1).

As per claim 9, Cheshire discloses a communication method for transmitting requests (see paragraph 31, lines 1-15, PC communicates requests from application

programs 202 via internet software 204 in response to the multiple aliases returned to Internet software).

Cheshire does not expressly disclose the requesting section transmits the link establishment request for the transmission of the next information data immediately after the current information data has been transmitted.

Bakshi discloses the requesting section (see figure 4, client) transmits the link establishment request for the transmission of the next information data immediately after the current information data has been transmitted (see column 5, lines 10-31, 2nd data request, 3rd data request transmitted immediately after the other in a pipelining manner and figure 4, data2 and data 3).

Cheshire and Bakshi are analogous art since they are from the same field of endeavor of client server communications.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the technique of Bakshi's requesting section (see figure 4, client) transmits the link establishment request for the transmission of the next information data immediately after the current information data has been transmitted (see column 5, lines 10-31, 2nd data request, 3rd data request transmitted immediately after the other in a pipelining manner and figure 4, data2 and data 3) in Cheshire transmitting request section (see paragraph 31, lines 1-15, PC communicates requests from application programs 202 via internet software 204 in response to the multiple aliases returned to Internet software).

The motivation to combine would have been to have a method of sending additional requests in rapid succession to reduce latencies (see column 5, lines 25-30, Bakshi).

11. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheshire (US 2005/0125545 A1) in view of Melick et al. (US 6457054 B1).

As per claim 10, Cheshire discloses a communication method for transmitting requests (see paragraph 31, lines 1-15, PC communicates requests from application programs 202 via internet software 204 in response to the multiple aliases returned to Internet software).

Cheshire does not expressly disclose the transmitting section multiplexing the current information data and the link establishment request for the transmission of the next information data.

Melick discloses the transmitting section multiplexing the current information data and the link establishment request for the transmission of the next information data (see column 25, lines 10-40, the CO 310 or DLC 400 multiplexes requests such as DNS).

Cheshire and Melick are analogous art since they are from the same field of endeavor of client server communications.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the technique of Melick's transmitting section multiplexing the current information data and the link establishment request for the transmission of the next information data (see column 25, lines 10-40, the CO 310 or DLC 400 multiplexes requests such as DNS) in Cheshire transmitting request section (see paragraph 31,

Art Unit: 2416

lines 1-15, PC communicates requests from application programs 202 via internet software 204 in response to the multiple aliases returned to Internet software).

The motivation to combine would have been to have a method of multiplexing additional requests for two or more customers to reduce latencies (see column 22, lines 5-15, Melick).

As per claim 11, Cheshire discloses a communication method for transmitting requests (see paragraph 31, lines 1-15, PC communicates requests from application programs 202 via internet software 204 in response to the multiple aliases returned to Internet software).

Cheshire does not expressly disclose the transmitting section multiplexes the link establishment data and the information data by using at least one of frequency division multiplexing, time division multiplexing, and code division multiplexing.

Melick discloses the transmitting section multiplexes the link establishment data and the information data by using at least one of frequency division multiplexing, time division multiplexing, and code division multiplexing (see column 21, lines 15-30, FDM, TDM and CDM).

Cheshire and Melick are analogous art since they are from the same field of endeavor of client server communications.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the technique of Melick's the transmitting section multiplexes the link establishment data and the information data by using at least one of frequency division multiplexing, time division multiplexing, and code division multiplexing (see column 21,

Art Unit: 2416

lines 15-30, FDM, TDM and CDM) in Cheshire transmitting request section (see paragraph 31, lines 1-15, PC communicates requests from application programs 202 via internet software 204 in response to the multiple aliases returned to Internet software).

The motivation to combine would have been to have a method of multiplexing additional requests for two or more customers to reduce latencies (see column 22, lines 5-15, Melick).

As per claim 12, Cheshire discloses a communication method for transmitting requests (see paragraph 31, lines 1-15, PC communicates requests from application programs 202 via internet software 204 in response to the multiple aliases returned to Internet software).

Cheshire does not expressly disclose the requesting section transmits the link establishment request by full duplex communication which simultaneously performs transmission and reception.

Melick discloses the requesting section transmits the link establishment request by full duplex communication which simultaneously performs transmission and reception (see column 9, lines 37-38, full-duplex signaling).

Cheshire and Melick are analogous art since they are from the same field of endeavor of client server communications.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the technique of Melick's the requesting section transmits the link establishment request by full duplex communication which simultaneously performs transmission and reception (see column 9, lines 37-38, full-duplex signaling) in

Art Unit: 2416

Cheshire transmitting request section (see paragraph 31, lines 1-15, PC communicates requests from application programs 202 via internet software 204 in response to the multiple aliases returned to Internet software).

The motivation to combine would have been to have a method of multiplexing additional requests for two or more customers to reduce latencies (see column 22, lines 5-15, Melick).

As per claim 13, Cheshire discloses a communication method for transmitting requests (see paragraph 31, lines 1-15, PC communicates requests from application programs 202 via internet software 204 in response to the multiple aliases returned to Internet software).

Cheshire does not expressly disclose the requesting section transmits the link establishment request by bi-directional simultaneously transmission using divisional multiple access.

Melick discloses the requesting section transmits the link establishment request by bi-directional simultaneously transmission using divisional multiple access (see column 9, lines 37-38, full-duplex signaling).

Cheshire and Melick are analogous art since they are from the same field of endeavor of client server communications.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the technique of Melick's the requesting section transmits the link establishment request by bi-directional simultaneously transmission using divisional multiple access (see column 9, lines 37-38, full-duplex signaling) in Cheshire

Art Unit: 2416

transmitting request section (see paragraph 31, lines 1-15, PC communicates requests from application programs 202 via internet software 204 in response to the multiple aliases returned to Internet software).

The motivation to combine would have been to have a method of multiplexing additional requests for two or more customers to reduce latencies (see column 22, lines 5-15, Melick).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form 892.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2416

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDULLAH RIYAMI whose telephone number is (571)270-3119. The examiner can normally be reached on Monday through Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/
Supervisory Patent Examiner, Art Unit 2416

/Abdullah Riyami/
Examiner, Art Unit 2416